

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Randy Lee Rindahl,

Plaintiff,

v.

Case No. 18-cv-3237 (JRT/ECW)

REPORT AND RECOMMENDATION

United States Attorney's Office for
Minnesota,

Defendant.

In an Order dated May 7, 2019, this Court directed Plaintiff to pay the full \$400 filing fee for this action no later than June 6, 2019, failing which this Court would recommend that this action be dismissed without prejudice for failure to prosecute. (See Dkt. 12.)

That deadline has long since passed, and Plaintiff has not paid the filing fee, nor has he communicated with the Court about this case since the Order issued. Accordingly, this Court now recommends, in accordance with its prior Order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

Based upon the foregoing, and on all of the files, records, and proceedings herein,

IT IS HEREBY RECOMMENDED that this action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

DATED: February 11, 2020

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge